

SECOND REGULAR SESSION

SENATE BILL NO. 735

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS FOSTER, RUSSELL AND LOUDON.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2570S.06I

AN ACT

To amend chapter 253, RSMo, by adding thereto three new sections relating to the Missouri state park board, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 253, RSMo, is amended by adding thereto three new sections, to be known as sections 253.411, 253.413, and 253.414, to read as follows:

253.411. As used in sections 253.410 to 253.415, the following terms shall mean:

- (1) "Board", the Missouri state park board;
- (2) "Designated veterans' grave marker", any veteran grave marker which has been determined by a majority vote of the board to be of sufficient historical military significance to be designated for inclusion in the registry;
- (3) "Historical marker program", the program conducted by the board that qualifies any marker for which the design and narrative has been approved by the board, and is erected on state, municipal, or private property pursuant to procedures adopted by the board; and which commemorates the marking of the locations of sites, persons, and events significant in the history of Missouri, including but not limited to, military history;
- (4) "Historic property", as defined in section 253.385;
- (5) "Marker", any marker identified and recognized by the historical marker program;
- (6) "Military monument or memorial", any monument, memorial, or other designation, including a statue, portrait, plaque, seal, flag, symbol, building name, street name, historic site or other real estate name, that:
 - (a) Honors a citizen or group of citizens of Missouri or honors a person or group of persons for military or war-related service conducted within or in the name of or on behalf of the state of Missouri or honors the soldiers as identified

in section 253.110, or honors military veterans of the United States of America; and

(b) Is located and has been continuously, or repeatedly, or permanently displayed in the state for a period of time exceeding two years; or that has been included in the registry;

(7) "Permitted public ceremony", any act or series of acts by individuals, groups, or organizations, that have been conducted by practice or tradition, prior to December 21, 2002; or as may be requested by individuals, groups, or organizations and approved by the board, after August 28, 2004, including temporary grave decorations, reenactments, meetings, or gatherings to honor and recognize a citizen or group of citizens as identified in section 253.411;

(8) "Park", as defined in section 253.010;

(9) "Registry", a list of all military monuments, memorials, markers and designated veterans' grave markers that are located on state land that have been approved by the board for inclusion in the registry; and those military monuments or memorials, markers, and designated veterans' grave markers on municipal, private, or other land, that have been approved by the board for inclusion in the list, after submission of the board required application.

253.413. 1. The "Missouri State Park Board" is hereby established as created by executive order 86-26 of the governor on November 12, 1986. The board shall serve as the authorizing authority for the department of natural resources for all matters relating to the acquisition, development, and operation of the Missouri state park system including state historical military monuments, memorials and markers.

2. The board shall consist of at least nine but no more than eleven members, one of which shall reside in each of Missouri's congressional districts and at least two members shall reside in a county in which a state historic site of significant military history is situated, appointed by the governor, with the advice and consent of the senate. Each member shall serve for a term of three years, except for the first members appointed, which shall have three members that serve one year, three members that serve two years, and the remaining members that serve three years. Thereafter, each member shall serve three years. The director of the department of natural resources shall serve as chairman of the board and his or her vote shall break any tie vote of the board. The executive director of the state historical society of Missouri shall serve as an ex officio member of the board. The board shall meet when called by the chairman, but shall meet at least twice annually. The board shall adopt written procedures to govern its activities.

3. Members of the board shall receive no compensation for their service, but shall be reimbursed for their actual and necessary expenses incurred in the

performance of their duties.

4. The board shall:

(1) Hold public meetings in accordance with chapter 536, RSMo, regarding the addition, modification, or removal of any military monument or memorial, marker, or designated veteran grave marker on any site under the control of the department;

(2) Hold public meetings to consider the approval of or the amendment of any plan or practice, of permitted public ceremony on any historic sites managed by the department;

(3) Consult with the department of natural resources, and maintain an inventory to include the annual physical condition of the state park system, military monuments or memorials, markers, or designated veterans' grave markers on state sites and on municipal, private property or other land that are included in the registry;

(4) File and publish an annual report of the activity and status of the state park system, all military monuments, memorials, markers, and designated veterans' grave markers that are included in the registry, and recommend future improvements which may be necessary. The annual report shall be sent to the governor, members of the general assembly, and made available to interested citizens;

(5) Establish procedures for and maintain a registry of military monuments or memorials, markers, and designated veterans' grave markers on private, municipal or other land which are included in the registry;

(6) Establish procedures for the withdrawal from the registry of any military monument or memorial, marker, or veterans' grave marker located on municipal or private land when requested by such municipal entity or private owner;

(7) Establish procedures for the historical marker program;

(8) Establish procedures for inclusion in the registry those military monuments or memorials, markers, and designated veterans' grave markers located on state land not managed by the department.

253.414. 1. The department of natural resources or other agencies of the state shall not erect, modify, or remove any military monument or memorial, any marker, or any designated veterans' grave marker on any site under the control of the department or otherwise located on state lands which are listed on the registry; or, amend any practice of permitted public ceremony on any state historic site without holding a public hearing and without a majority vote of the Missouri state park board approving the action to erect, modify, or remove any military

monument or memorial, any marker, or any designated veterans' grave marker or any practice of permitted public ceremony on any state historic site. Prior to any such public hearing and vote of the Missouri state park board, the department shall provide public notice of the hearing, which notice shall be published in the Missouri Register at least sixty days prior to any action to seek the Missouri state park board's approval to erect, modify, or remove any such military monument or memorial, any marker, or any designated veterans' grave marker; or amend any practice of permitted public ceremony on any state historic site, and the department shall publish a notice of such hearing once a week for two consecutive weeks in any newspaper qualified pursuant to section 493.050, RSMo, to publish legal notices in the local area containing the site. The second notice shall be published at least ten days before the hearing is scheduled.

2. Any military monument or memorial, any marker, or any designated veterans' grave marker that was in place on December 21, 2002, on any site under control of the department shall be replaced on August 28, 2004, and shall remain in place unless modified or removed pursuant to the procedures of subsection 1 of this section.

3. Any person who knowingly removes, defaces, or destroys any military monument or memorial, marker or designated veterans' grave marker, without the approval of either the legislature or the Missouri state park board shall be guilty of a class A misdemeanor.

4. A military monument or memorial, marker, or designated veterans' grave marker may be removed, relocated, or altered to accommodate construction, repair, or improvements to the military monument or memorial, marker, or designated veterans' grave marker, or to the surrounding property on which the military monument or memorial, marker, or designated veterans' grave marker is located. Any military monument or memorial, marker, or designated veterans' grave marker must be relocated to a prominent location.